

U. S. PTO Customer No. 25280

Case #3043A

**REMARKS**

Claims 13-18, 22, 25 and 26 were pending in the application. Claims 13 and 14 have been canceled. Claims 15 and 16 have been amended. Claim 27 has been added. Thus, upon entry of the amendment claims 15-18, 22, and 25-27 are subject to continued examination. Each of these claims is believed to be in condition for allowance. Accordingly, an action to that effect is requested at this time.

Objections to the Specification:

The Office Action objects to the specification on grounds that it is non-compliant with the provision of 112 paragraph 1 requiring that the specification contain a written description of the invention and of the manner and process of making and using it, in such full, clear concise and exact terms as to enable any person skilled in the art to which it pertains to make and use the same. In particular, the Office Action objects to the use of the terms "effective fabric weight factor" and "effective fabric usage factor".

It is well established that a patentee may be his or her own lexicographer. In the present application, the patentee has chosen to define his invention in terms of factors which may be readily calculated for any air bag without undue experimentation by simply measuring the area and weight of fabric used and the gas volume of the resulting cushion. Moreover, at least three different embodiments of cushion structures meeting the claim limitations are provided. Thus, it appears that both the written description and enablement prongs of the statute are met. As explained at MPEP Section 2163, there is a strong presumption that an adequate written description of the claimed invention is present when the application is filed and the PTO bears

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the burden of presenting evidence or reasons why persons skilled in the art would not recognize in the disclosure a description of the invention as defined by the claims.

In the present application the specification defines the fabric usage factor as the quotient of the total amount of fabric utilized to manufacture the airbag cushion (measured in square meters) over the total volume of available inflation air space within the airbag cushion (measured in liters). The fabric weight index (which is also referred to as the fabric weight factor is defined as the quotient of the total weight of fabric utilized in the construction of the airbag cushion and the available inflation airspace volume. (Page 7, lines 15-22). Moreover, model calculations of these factors are set forth with units in each of Tables 1-4. In light of these teachings, it is respectfully submitted that at least the threshold requirements of the statute have been satisfied.

The confusion appears to reside in Applicant's use of several synonymous terms within the specification. While Applicant believes that the standard of precision was previously met, in order to obviate any continuing objection, the specification has been amended to eliminate the word "effective" from the terms utilized in both the claims and the description.

#### FORMAL REJECTIONS:

Claims 15-18, 22, 25 and 26 were rejected under 35 U.S.C. 112 first and second paragraphs. As pointed out above, Applicant has amended the terminology in the claims to recite a fabric usage factor of 0.03 or less. This corresponds to the description and exemplary calculations as set forth at page 7 and in Tables 1 and 3 of the specification. Thus, it is respectfully submitted that when read in light of the specification, the claims would be sufficiently clear to those of skill in the art.

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ART REJECTIONS:

Claims 15-18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bunker et al. in view of disclosed data which the Examiner has interpreted to be admitted prior art.

Continued rejection on this basis is respectfully traversed and reconsideration is requested.

In Tables 1 and 2 which are directed to prior designs, the fabric usage factors are each above 0.030 and the fabric weight factors are each above 8.0. Thus, the prior art does not teach or suggest the claim limitations.

The headings in Tables 3 and 4 reflect that the reported fabric usage factors and fabric weight factors are for the inventive airbag cushions in correlation to known prior bags. Thus, in Tables 3 and 4 the reported fabric usage factors and fabric weight factors are for airbag cushions of the present invention which have the same volume as known prior bags. For example, a simultaneous review of Tables 1 and 3 indicates that the prior known passenger side bag designated as GM-C4 having an inflation volume of 95 liters required 4.47 square meters of fabric (Table 1) to manufacture while a corresponding passenger airbag according to the present invention having the same volume requires only 2.41 square meters.

In light of the fact that the data characterized by the Office Action as admitted prior art is in fact data for embodiments of the present invention, it is respectfully submitted that the outstanding obviousness rejection should be withdrawn.

CONCLUSION / AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT:

On the grounds as set forth above, Applicant respectfully requests that all claims be passed to issue. While an attempt has been made to address all outstanding issues, to any extent

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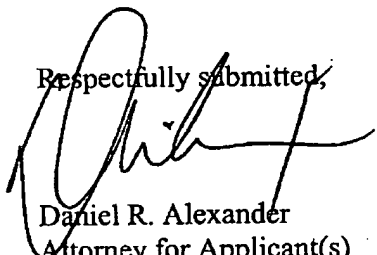
that one or more issues remain, the undersigned respectfully requests a telephone conference to resolve such issues.

While the submission of this response is believed to be timely, to any extent required, a petition for extension of time is hereby made.

Please charge any fees required for acceptance of this amendment to Deposit Account 04-0500.

Respectfully submitted,

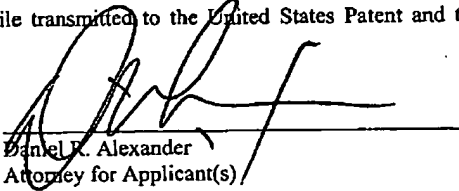
October 15, 2003



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**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and trademark Office at 703872-9326 on October 15, 2003.



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